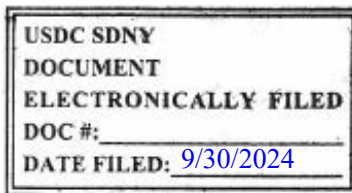


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HELEN SWARTZ, Individually,

Plaintiff,

vs.

44 LEXINGTON ASSOCIATES, LLC, a New
York Limited Liability Company,

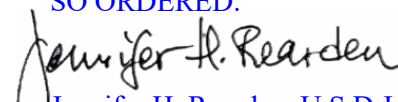
Defendant.

:
:
:
: Case No.: 1:23-cv-7601

Application GRANTED. For all future matters, the parties must strictly comply with all deadlines, with the Court's Individual Rules and Practices, and with all other applicable rules and procedures. Failure to do so may result in sanctions, including the preclusion of evidence, claims, or defenses and/or dismissal of this action with prejudice.

The Clerk of Court is directed to terminate ECF No. 13. The Clerk of Court is further directed to reopen the case.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Date: September 30, 2024

JOINT MOTION FOR TO SET ASIDE ORDER OF DISMISSAL

COME NOW the parties, by and through undersigned counsel, and move this Honorable Court to set aside its Order of Dismissal dated October 23, 2023 [Document 11], and as grounds therefore states:

Undersigned counsel had on October 18, 2023, finalized the memorialization of a Joint Response to Order to Show Cause with opposing counsel, and received opposing counsel's authorization to file with his e-signature.

Undersigned timely attempted to upload said response to CM/ECF prior to October 20, 2023 (the due date pursuant to the Court's Order to Show Cause), but apparently that upload was unsuccessful. Undersigned acknowledges that he should have confirmed the upload was successful via receipt from CM/ECF, but suggests that his failure to do so constituted excusable neglect. The Joint Response to Order to Show Cause has since been successfully uploaded to the CM/ECF system as Document 12.

WHEREFORE based upon the foregoing, the parties respectfully request the Order of Dismissal dated October 23, 2023, be set aside.

Dated: October 23, 2023

Respectfully submitted,

/s/ Brandon Rotbart

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Counsel for the Defendant